



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

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Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION, MATERIALS TRANSPORTATION BUREAU

[Docket No. HM-147; Amdt. No. 173-103]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Carbon Dioxide Transported Aboard Aircraft

The purpose of this amendment to Part 173 of the Department's Hazardous Materials Regulations is to except from the coverage of those regulations carbon dioxide in solid form, when used as a refrigerant to preserve materials for medical diagnostic or treatment purposes. Regulations applicable to all carbon dioxide in solid form were published in the *FEDERAL REGISTER* on April 15, 1976 (41 FR 15972) under Docket HM-103/112. No comments were received which objected to the requirements imposed by this docket publication. Recently, the Materials Transportation Bureau has become concerned that these regulations may be disrupting certain shipments of essential medical supplies and specimens for critical medical diagnoses since carbon dioxide in solid form is used extensively for the preservation of materials being shipped by aircraft for medical diagnostic and treatment purposes. The Bureau recognizes that certain hazards are associated with carbon dioxide when shipped by air. It was for this reason that carbon dioxide in solid form was placed under regulation. It is the Bureau's opinion that on balance the benefits which accrue from the rapid movement of these materials outweigh the limited risks involved. Therefore, to the extent the regulations restrict the timely performance of essential medical services and treatment, some adjustment to the regulations is called for.

This Bureau plans to review the total effect of its regulations as they apply to carbon dioxide in solid form. Meanwhile, in consideration of the desirability of not disrupting the movement of these materials by aircraft, the regulations are amended in that regard. Because this action does not impose any burden on the general public, public proceedings are unnecessary.

In consideration of the foregoing, Part 173 of Title 49 Code of Federal Regulations is amended as follows:

In § 173.615 paragraph (e) is added to read as follows:

§ 173.615 Carbon dioxide, solid (dry ice).

* * * * *

(e) Carbon dioxide, solid (Dry ice) is excepted from the shipping paper and certification requirements of this subchapter if the requirements of paragraphs (a) and (d) of this section are complied with and the package is marked "Carbon dioxide, solid" or "Dry ice" and marked with an indication that the material being refrigerated is used for diagnostic or treatment purposes (e.g. Frozen medical specimens).

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e)).

Effective date: This amendment is effective on January 19, 1977.

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C. on January 19, 1977.

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Director,

Materials Transportation Bureau.

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